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PTO/SB/21 (09-04)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/748,512

Filing Date

December 29, 2003

First Named Inventor

Marcus

Art Unit

3714

Examiner Name

Harris, C.

Attorney Docket Number

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

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Drawing(s)

☐

Licensing-related Papers

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Petition

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Petition to Convert to a
Provisional Application

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Power of Attorney, Revocation

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Change of Correspondence Address

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Terminal Disclaimer

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Request for Refund

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CD, Number of CD(s) _____

☐ Landscape Table on CD

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After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☐

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify
below):

Statement Under 37 CFR 1.97(e)
Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Brian I. Marcus, Esq., Vierra Magen Marcus Harmon & DeNiro LLP

Signature

Printed name

Brian I. Marcus

Date

March 16, 2005

Reg. No.

34,511

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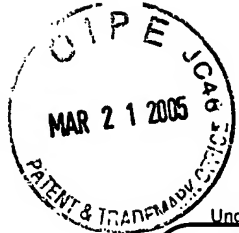
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PTO/SB/08a (08-03)

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/748,512
Filing Date	December 29, 2003
First Named Inventor	Marcus et al.
Art Unit	3714
Examiner Name	Harris, C.
Attorney Docket Number	

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5575659	11-19-1996	King et al.	
		US-			
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FOREIGN PATENT DOCUMENTS

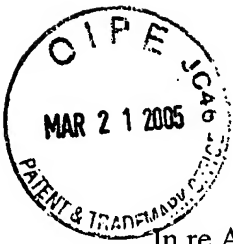
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventors: Warren S. Heit
Brian I. Marcus

Application No.: 10/748,512

Filed Date: December 29, 2003

Title: COMPUTER SOFTWARE AND
PORTABLE MEMORY FOR AN ELECTRONIC
EDUCATIONAL TOY HAVING A TOUCH
SENSITIVE SURFACE

STATEMENT UNDER 37 CFR § 1.97 (e)

____ (1) Each item of information contained in the accompanying information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement;

OR

X (2) No item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

Date: March 16, 2005

By: Brian I. Marcus
Reg. No. 34,511

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